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A/RES/52/217
3 February 1998

Fifty-second session
Agenda item 135

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[*on the report of the Fifth Committee (A/52/724)*]

52/217. Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

The General Assembly,

Taking note of the reports of the Secretary-General on the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991[1] and on conditions of service for the judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994,[2] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[3]

Noting the improvement in the presentation of the report of the Secretary-General,[1] which was made available in a timely manner and prepared on a full-cost basis with information on the annual cost of new posts and performance indicators, as recommended by the Advisory Committee,[4]

1. *Endorses* the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[3] subject to the provisions of the present resolution;

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[1] A/C.5/52/4 and Corr.1.

[2] A/52/520.

[3] A/52/696.

[4] A/51/7/Add.7 and Corr.2. For the final text, see *Official Records of the General Assembly, Fifty-first Session, Supplement No. 7*.

2. *Notes* that the Secretary-General will phase out by the end of 1998 the use of gratis personnel in the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, in accordance with the provisions of General Assembly resolution 51/243 of 15 September 1997;

3. *Requests* the Secretary-General to provide in the budget performance report for 1997 the actual performance indicators, with a view to facilitating the assessment of the activities for the International Tribunal;

4. *Also requests* the Secretary-General to include in the budget performance report for 1997 the information requested in paragraph 7 of General Assembly resolution 51/214 B of 13 June 1997;

5. *Agrees* that the consideration of the pension entitlement for members of the International Tribunal should be deferred until the review of the report of the Secretary-General on the emoluments and pension scheme of members of the International Court of Justice to be submitted to the General Assembly at its fifty-third session in accordance with Assembly resolution 50/216 of 23 December 1995;

6. *Approves* the budgetary recommendations of the Advisory Committee as contained in paragraph 21 of its report;[3]

7. *Decides* to appropriate to the Special Account for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 a total amount of 68,829,800 United States dollars gross (62,331,600 dollars net) for the period from 1 January to 31 December 1998;

8. *Recalls* its resolutions 49/242 B of 20 July 1995, 50/212 A of 23 December 1995, 50/212 B and C of 11 April and 7 June 1996, 51/214 A of 18 December 1996 and 51/214 B of 13 June 1997, in which it decided, as an ad hoc and exceptional arrangement, that Member States should waive their respective shares in the credits arising from previous budgets of the United Nations Protection Force, to be transferred to the Special Account for the International Tribunal from the Special Account for the United Nations Protection Force;

9. *Recognizes* that the unencumbered balance of the Special Account for the United Nations Protection Force has now been depleted;

10. *Decides* that the financing of the appropriation for the period from 1 January to 31 December 1998 under the Special Account for the International Tribunal shall take into account the cumulative surplus fund balance of 5.6 million dollars as at 31 December 1995 and the anticipated availability of an unencumbered balance of 10,873,800 dollars gross (10 million dollars net) for 1997, and shall be set off against the aggregate amount of the appropriation, as detailed in the annex to the present resolution;

11. *Takes note* of the information on the expected unencumbered balance at the end of 1997, and decides to take up this issue in the context of its consideration of the budget performance report for 1997;

12. *Decides* to apportion the amount of 26,178,000 dollars gross (23,365,800 dollars net) among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 1998;

13. *Decides also* to apportion the amount of 26,178,000 dollars gross (23,365,800 dollars net) among Member States in accordance with the scale of assessments applicable to peacekeeping operations for the year 1998;

14. *Decides further* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 12 and 13 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 5,624,400 dollars approved for the International Tribunal for the period from 1 January to 31 December 1998.

79th plenary meeting
22 December 1997

ANNEX

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

	Gross	*Net*
	(United States dollars)	
Appropriation for the period from 1 January to 31 December 1998	68 829 800	62 331 600
Less: Estimated unencumbered balance for the period from 1 January to 31 December 1997	(10 873 800)	(10 000 000)
Cumulative surplus fund balance as at 31 December 1995	(5 600 000)	(5 600 000)
Balance to be assessed for the period from 1 January to 31 December 1998,	52 356 000	46 731 600
Of which:		
Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 1998	26 178 000	23 365 800
Contributions assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations for the year 1998	26 178 000	23 365 800

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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[*on the report of the Fifth Committee (A/52/726)*]

52/218. Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

The General Assembly,

Taking note of the reports of the Secretary-General on the financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994,[1] and on conditions of service for the judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the International Tribunal for Rwanda,[2] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[3]

Noting the improvement in the presentation of the report of the Secretary-General,[1] which was made available in a timely manner and prepared on a full-cost basis with information on the annual cost of new

[1] A/C.5/52/13 and Corr.1.

[2] A/52/520.

[3] A/52/697.

posts and performance indicators, as recommended by the Advisory Committee during its previous consideration of the matter,[4]

1. *Endorses* the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[3] subject to the provisions of the present resolution;

2. *Notes* that the Secretary-General will phase out by the end of 1998 the use of gratis personnel in the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, in accordance with the provisions of General Assembly resolution 51/243 of 15 September 1997;

3. *Requests* the Secretary-General to provide in the budget performance report for 1997 the actual performance indicators, with a view to facilitating the assessment of the activities of the International Tribunal for Rwanda;

4. *Also requests* the Secretary-General to include in the budget performance report for 1997 the information requested in paragraph 13 of General Assembly resolution 51/215 B of 13 June 1997;

5. *Requests* the Board of Auditors, in accordance with articles X and XII of the Financial Regulations and Rules of the United Nations, to report on the ex gratia payments referred to in paragraph 11 of the report of the Advisory Committee;

6. *Agrees* that the consideration of the pension entitlement for members of the International Tribunal for Rwanda should be deferred until the review of the report of the Secretary-General on the emoluments and pension scheme of members of the International Court of Justice to be submitted to the General Assembly at its fifty-third session in accordance with Assembly resolution 50/216 of 23 December 1995;

7. *Approves* the budgetary recommendations of the Advisory Committee as contained in paragraph 24 of its report;

8. *Decides* to appropriate to the Special Account for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 a total amount of 56,736,300 United States dollars gross (50,879,100 dollars net) for the period from 1 January to 31 December 1998;

9. *Recalls* its resolutions 49/251 of 20 July 1995, 50/213 A of 23 December 1995, 50/213 B and C of 11 April and 7 June 1996, 51/215 A of 18 December 1996 and 51/215 B of 13 June 1997, by which it decided, as an ad hoc and exceptional arrangement, that Member States should waive their respective shares in the credits arising from previous budgets of the United Nations Assistance Mission for Rwanda, to be transferred to the Special Account for the International Tribunal for Rwanda from the Special Account for the United Nations Assistance Mission for Rwanda;

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[4] See A/51/7/Add.8 and Corr.1 and 2. For the final text, see *Official Records of the General Assembly, Fifty-first Session, Supplement No. 7*.

10. *Recognizes* that the unencumbered balance in the Special Account for the Assistance Mission is 2,060,700 dollars gross;

11. *Decides* to apportion the amount of 28,368,150 dollars gross (25,439,550 dollars net) among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 1998, as detailed in the annex to the present resolution;

12. *Decides also* to apportion the amount of 26,307,450 dollars gross (23,894,050 dollars net) among Member States in accordance with the scale of assessments applicable to peacekeeping operations for the year 1998, after taking into account the unencumbered balance of 2,060,700 dollars gross (1,545,500 dollars net) in the Special Account for the Assistance Mission referred to in paragraph 10 above;

13. *Decides further* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 11 and 12 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 5,342,000 dollars approved for the International Tribunal for Rwanda for the period from 1 January to 31 December 1998.

79th plenary meeting
22 December 1997

ANNEX

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

	Gross	*Net*
	(United States dollars)	
Appropriation for the period from 1 January to 31 December 1998	56 736 300	50 879 100
Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 1998	28 368 150	25 439 550
Contributions assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations for the year 1998	28 368 150	25 439 550
Less: Unencumbered balance in the Special Account for the United Nations Assistance Mission in Rwanda	(2 060 700)	(1 545 500)
Balance of assessment based on the scale of assessments for peacekeeping operations	26 307 450	23 894 050

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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Fifth Committee (A/52/739)]

52/219. Human resources management

The General Assembly,

Having considered the reports of the Secretary-General on a family leave programme,[1] on the implementation of the performance appraisal system,[2] on a system of performance awards or bonuses[3] and on amendments to the Staff Rules,[4]

I. FAMILY LEAVE PROGRAMME

Recalling paragraph 3 of section III.C of its resolution 51/226 of 3 April 1997, in which it requested the Secretary-General to develop a family leave programme for United Nations staff without creating supplementary leave entitlements, and to report thereon to the General Assembly as soon as possible,

1. *Takes note* of the report of the Secretary-General;[1]

2. *Approves* the recommendations of the Secretary-General in relation to the family leave programme, as contained in paragraph 12 of his report;

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[1] A/52/438.

[2] A/C.5/51/55 and Corr.1.

[3] A/52/439.

[4] A/52/574.

II. IMPLEMENTATION OF THE PERFORMANCE APPRAISAL SYSTEM

Having reviewed the report of the Secretary-General on the implementation of the performance appraisal system[2] and the relevant section of the report of the Advisory Committee on Administrative and Budgetary Questions,[5]

1. *Takes note* of the report of the Secretary-General;[2]

2. *Encourages* the Secretary-General to continue his efforts to refine and simplify the performance appraisal system, in particular its administrative aspects;

3. *Reiterates* that it is important that the performance appraisal system be implemented consistently throughout the Secretariat so as to achieve an effective and fair performance management and staff development tool, and requests the Secretary-General to monitor the application of the system and to report thereon to the General Assembly;

III. SYSTEM OF PERFORMANCE AWARDS OR BONUSES

Having reviewed the report of the Secretary-General on a system of performance awards or bonuses,[3]

1. *Approves*, and urges the Secretary-General to adopt a step-by-step approach to, the introduction, in full consultation with the staff, of a system of performance awards or bonuses, taking into account the comments and recommendations of the International Civil Service Commission on this matter, as contained in its report;[6]

2. *Requests* the Secretary-General to keep under review the introduction of the system of performance awards or bonuses and to report to the General Assembly, in accordance with the step-by-step approach, at its fifty-third session;

3. *Also requests* the Secretary-General to submit to the General Assembly at its fifty-third session for decision policy proposals to deal systematically and effectively with underperformance,[7] taking into account the comments and recommendations made by the Commission in paragraph 213 of its report;[6]

IV. AMENDMENTS TO STAFF RULES

Having reviewed the report of the Secretary-General on amendments to the Staff Rules,[4]

Takes note of the amendments to the 100 and 200 series of the Staff Rules contained in the report of the Secretary-General;

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[5] *Official Records of the General Assembly, Fifty-second Session, Supplement No. 7* (A/52/7), paras. 107-112.

[6] Ibid., *Supplement No. 30* (A/52/30), chap. VI, sect. B.

[7] See A/52/439, para. 17.

V. IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 51/226

1. *Decides* that the restrictions contained in paragraph 26 of section III.B of resolution 51/226, which preclude staff appointed for less than one year against regular budget posts or extrabudgetary posts of one year or longer from applying for or being appointed to their current post within six months of the end of their current service, shall apply to staff appointed after 3 April 1997 only;

2. *Decides also* that persons eligible to be considered for internal vacancies within the Secretariat after twelve months of service, as provided for in paragraph 27 of section III.B of resolution 51/226, shall be staff appointed in the Professional category or above under the 100 or 300 series of the Staff Rules to serve against peacekeeping support account posts at Headquarters or in peacekeeping or other field missions, and decides further that such eligibility shall be limited to vacant posts at the P-4 level and above;

3. *Decides* to continue consideration of the note by the Secretariat on the implementation of General Assembly resolution 51/226, as well as the application of the provisions of the preceding paragraphs, at the first part of its resumed fifty-second session.

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